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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,695	08/31/2000	Jim B. Estipona	INTL-0448-US (P9559)	3818
21906	7590	02/21/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			MA, JOHNNY	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/652,695	Applicant(s) ESTIPONA, JIM B.	
	Examiner Johnny Ma	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-15 and 17-24 is/are rejected.
- 7) ☐ Claim(s) 5, 12, 16 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Upon consideration of the Board of Appeals Decision, and newly found prior art, prosecution is reopened MPEP 1214.07.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-11, 13-15, 17-18, 21-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten (US 2005/0055640 A1) and the Advanced Television Enhancement Forum Specification (ATVEF) Version 1.1r26, cited by applicant.

As to claim 1, note the Alten reference that discloses displaying enhanced content information on a remote control unit. The claimed “transmitting enhanced television content” is met by “[t]he incoming video information may include television content and enhancement data” (Alten [0018]) transmitted from “one or more sources of video information including a cable television source 112c, a satellite television antenna 112b or a terrestrial television antenna 112a (Alten [0014]). The claimed “transmitting an announcement for said enhanced television content” is met by “[e]nhancement data, according to the ATVEF Specification, may include announcements each having the following components: an ATVEF announcement, a resource, and a trigger” (Alten [0020]), “an ATVEF announcement indicates that enhancement data is being transmitted” (Alten [0021]). Note the Alten reference discloses enhancement data

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including an electronic programming guide (Alten [0004]) wherein “an ATVEF announcement indicates that enhancement data is being transmitted” (Alten [0004]) and may indicate the type of enhancement data transported with the television content (Alten [0024]). However the Alten reference does not specifically disclose the data structure of the disclosed ATVEF

announcement. Now note the ATVEF specification that discloses transmitting and receiving enhanced television content and Session Description Protocol (SDP) records (ATVEF, pg. 10 par. 5-6 and pg. 12 par. 6). The ATVEF specification particularly discloses the use of session announcements, transmitted according to the session description protocol (SDP) that include unique session identifiers (which by definition must be numeric strings) having values that announce the availability of particular broadcasts, which “can be a permanent announcement for all programming on a broadcast channel or for a particular show” (ATVEF, pg. 12-13).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Alten ATVEF announcement for announcing the availability of enhancements with the ATVEF specification session identifier having a value announcing the availability of programming for the purpose of using a single public standard for delivering interactive television experiences that can be authored once using a variety of tools and deployed to a variety of television, set-top, and PC-based receivers (ATVEF, pg. 1). The claimed “said announcement including a session identifier” is met by the ATVEF announcement including a session identifier as discussed above.

The claimed “[a session identifier] having a value announcing the availability of an electronic programming guide for said enhanced television content” is met by the Alten and ATVEF specification combination as discussed above.

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As to claim 2, the claimed “wherein transmitting an announcement includes transmitting the announcement in a session description protocol,” please see rejection of claim 1.

As to claim 3, the claimed “wherein transmitting an announcement includes transmitting a unique session identifier which identifies an electronic programming guide,” please see rejection of claim 1.

As to claim 4, the claimed “including transmitting a session identifier which is a unique number,” please see rejection of claim 1.

As to claim 6, the claimed “including transmitting a session name” is met by the Alten and ATVEF specification combination as discussed in the rejection of claim 1 wherein the ATVEF specification discloses the announcement includes a session name (ATVEF, pg. 13).

As to claim 7, the claimed “wherein transmitting a session name includes transmitting a human readable session name” the Alten and ATVEF specification combination as discussed in the rejection of claim 1 wherein the ATVEF specification discloses the announcement including a session name (ATVEF, pg. 13) that is a human readable session name, for example “Day & Night & Day Again” (ATVEF, pg. 15). However, the Alten and ATVEF specification combination does not specifically teach the session name being “indicative of an electronic programming guide.” Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to label data in a manner representative of its contents for the purpose of facilitating quick identification of the data contents by other parties. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Alten and ATVEF specification announcement including a

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session name for an electronic program guide enhancement accordingly for the above stated advantages.

As to claims 8-11, please see rejection of claim 1.

As to claim 13, please see rejection of claim 7.

As to claims 14-15, please see rejection of claim 1.

As to claim 17, note the Alten reference that discloses displaying enhanced content information on a remote control unit. The claimed “enabling a receiver to receive enhanced television content” is met by “video receiver system 10” (Alten [0014]) wherein “[t]he incoming video information may include television content and enhancement data” (Alten [0018]). The claimed “enabling the extraction from said content of an announcement for said enhanced television content” is met by “[e]nhancement data, according to the ATVEF Specification, may include announcements each having the following components: an ATVEF announcement, a resource, and a trigger” (Alten [0020]) wherein extraction of the announcement is inherent to the processing and display of the enhancement data. Note the Alten reference discloses enhancement data including an electronic programming guide (Alten [0004]) wherein “an ATVEF announcement indicates that enhancement data is being transmitted” (Alten [0004]) and may indicate the type of enhancement data transported with the television content (Alten [0024]). However the Alten reference does not specifically disclose the data structure of the disclosed ATVEF announcement. Now note the ATVEF specification that discloses transmitting and receiving enhanced television content and Session Description Protocol (SDP) records (ATVEF, pg. 10 par. 5-6 and pg. 12 par. 6). The ATVEF specification particularly discloses the use of session announcements, transmitted according to the session description protocol (SDP) that

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includes unique session identifiers (which by definition must be numeric strings) having values that announce the availability of particular broadcasts, which “can be a permanent announcement for all programming on a broadcast channel or for a particular show” (ATVEF, pg. 12-13).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Alten ATVEF announcement for announcing the availability of enhancements with the ATVEF specification session identifier having a value announcing the availability of programming for the purpose of using a single public standard for delivering interactive television experiences that can be authored once using a variety of tools and deployed to a variety of television, set-top, and PC-based receivers (ATVEF, pg. 1). The claimed “said announcement including a session identifier” is met by the ATVEF announcement including a session identifier as discussed above. The claimed “[a session identifier] having a value announcing the availability of an electronic programming guide” is met by the Alten and ATVEF specification combination as discussed above wherein the enhancement data includes an electronic programming guide (Alten [0005]).

As to claim 18, the claimed “including determining whether the enhanced television content includes an electronic programming guide” is met by that discussed in the rejection of claim 17.

As to claims 21-22, please see rejections of claims 17-18 respectively.

As to claim 24, please see rejection of claim 17 wherein the video receiver system 10 may include a processor-based system.

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3. Claims 19-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten (US 2005/0055640 A1) in further view of the Advanced Television Enhancement Forum Specification (ATVEF) Version 1.1r26, cited by applicant, and Kim et al. (US 6,405,372 B1).

As to claim 19, the Alten and ATVEF specification combination does not specifically teach the claimed “including determining whether an electronic programming guide has already been cached.” Now note the Kim et al. reference that discloses a method for updating electronic program guide information and device thereof in a digital TV receiver. The claimed “including determining whether an electronic programming guide has already been cached” is met by comparing the currently stored EPG information with the EPG information in the auxiliary stream in order to perform updates (Kim 3:53-67). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Alten and ATVEF specification electronic programming guide announcement according to the SDP protocol with the Kim determining whether an electronic program guide has already been cached for the purpose of keeping the stored program guide information up to date.

As to claim 20, the claimed “including processing the announcement without regard for the electronic programming guide if the programming guide is already cached” is met by the Alten, ATVEF specification, and Kim combination as discussed in the rejection of claim 19 wherein it is inherent within the SDP to process the announcement without regard to the enhancement, if the version is not higher than the previously received versions.

As to claim 23, please see rejections of claims 19-20.

Allowable Subject Matter

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4. Claims 5, 12, 16, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, fails to teach or fairly suggest “wherein transmitting a session identifier includes transmitting the number 2208988800” (claim 5); “instructions that enable the processor-based system to transmit [a session identifier that is] the number 2208988800” (claim 12); “wherein said storage stores instructions that enable the device to transmit [a session identifier that is] the number 2208988800” (claim 16); and “wherein said storage stores instructions that enable the extraction of a [session identifier] value corresponding to the number 2208988800” (claim 25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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